

23 November 2023		ITEM: 7
Standards and Audit Committee		
Complaints received under the Members' Code of Conduct		
Wards and communities affected: N/A	Key Decision: Non-Key	
Report of: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer		
Accountable Assistant Director: N/A		
Accountable Director: Asmat Hussain Director of Law & Governance (Monitoring Officer)		
This report is Public		

Executive Summary

This report sets out, in summary, details of complaints against Members of the Council received during the municipal year 2023/24 up to the 3 November 2023.

1. Recommendation(s)

- 1.1 That the Committee note the outcomes on complaints received under the Members Code of Conduct during the municipal year 2023/24 up to the 3 November 2023.**

2. Introduction and Background

- 2.1 On 19 July the Committee considered a report on Member Code of Conduct complaints received by the Monitoring Officer during the municipal year 2022/23. That report informed the Committee that 10 complaints had been received during that period. All the complaints received during that period have now been closed, with the exception of 3 complaints which were referred for investigation and for a Hearing Panel to be convened.
- 2.2 This report provides an update on complaints received under the Members Code of Conduct during the municipal year 2023/24 up to the 3 November 2023.
- 2.3 The current Members' Code of Conduct was adopted by the Council in 2022. It is a requirement under the Localism Act 2011 that all councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan

Principles Conduct in Public Life. The Council also has arrangements for dealing with Member Code of Conduct Complaints.

2.3 Below is a table setting out details of code of conduct complaints received, during this current municipal year up to 3 November 2023. The table omits details of the identities of the complainant and the member, as the Council needs to adhere to the requirements of the Data Protection Act. The names of parties involved in code of conduct complaints is kept confidential unless it is appropriate to disclose the names as part of a formal investigation and consideration by a Hearing Panel of the Audit Standards Committee.

2.4 A total of eight complaints have been received during the current municipal year up to 3 November 2023. Two complaints were made by Members of the Public and six Councillors made complaints against other Councillors.

2.2

Date complaint received	Nature of the complaint and potential breach(es) of the Code of Conduct	Outcome of consultation with IP & Monitoring Officer Assessment	Status
12.7.23	Derogatory & racist comments regarding skin colour on Facebook	Apology sent to complainant	Training to be completed
12.7.23	Derogatory & racist comments regarding skin colour on Facebook	Apology sent to complainant	Training to be completed
17.7.23	Disrespectful comments in meeting	Decision Notice sent. No breach of the Code	Closed
27.7.23	Disrespectful comments in meeting	Decision Notice sent. No breach of the Code	Closed
2.10.23	Decision making in Cabinet	Decision Notice to be drafted	Open
30.10.23	Aggressive behaviour in Chambers	Ongoing	Open
2.11.23	Aggressive behaviour in Chambers	Ongoing	Open
3.11.23	Aggressive behaviour in Chambers	Ongoing	Open

3. Issues, Options and Analysis of Options

3.1 The report is to note complaints received and actions taken so no options are to be considered.

3.2 The current internal system for logging Member complaints has been implemented following the adoption of the model LGA the code of conduct in 2022.

4. Reasons for Recommendation

4.1 To ensure that the Council's current ethical framework, within the limitations of the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public and is strengthened.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable.

6. Impact on corporate policies, priorities, performance, and community impact

6.1 The Council's Constitution supports the governance of the Council and its decision-making. The Members Code of Conduct encourages good conduct and safeguard the public's trust and confidence in the role of councillors, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

There are no direct financial implications expected from this proposed policy change.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer & Deputy Monitoring Officer

The monitoring and review of Member Code of Conduct assists the Council to ensure that the Council's current ethical framework, within the limitations of the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public and is strengthened.

7.3 Diversity and Equality

**Implications verified by: Roxanne Scanlon Community Engagement and
Project Monitoring Officer Adults, Housing &
Health**

The Localism Act 2011 requires the Council to promote and maintain high standards of conduct by members and co-opted Members. The Members Code of Conduct sets out the standards of behaviour expected of all Councillors. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

- 7.4 **Other implications** (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

Not applicable.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

9. **Appendices to the report**

None.

Report Author:

Gina Clarke

Corporate Governance Lawyer & Deputy Monitoring Officer

Law and Governance